

FARMINGTON CITY PLANNING COMMISSION

Thursday, July 27, 2006

PLANNING COMMISSION STUDY SESSION

Present: Vice-Chairman Kevin Poff, Commission Members Andrew Hiller, Cory Ritz, Paul Barker, City Planner David Petersen, and Recording Secretary Jill Hedberg. Chairman Jim Talbot, John Bilton and Rick Wyss were excused.

Vice-Chairman Poff called the meeting to order at 6:30 P.M. The following items were reviewed:

Agenda Item #1: Minutes

The Planning Commission reviewed the minutes and made the necessary corrections.

Mayor Harbertson invited the Planning Commission to participate in the Relay for Life with the City Council on August 4, 2006. The money raised will be donated to the American Cancer Society.

Agenda Item #3: Public Hearing: Gregory Van Zweden - Applicant is requesting a recommendation to rezone 3.16 acres located at approximately 200 South 1525 West from A to AE and schematic plan approval for a 3 lot subdivision related thereto (Z-9-06).

David Petersen said the subdivision is similar to the McOmber subdivision which was approved several years ago. At that time, **Mr. Olsen** (a property owner to the south) was opposed to the subdivision. According to the applicant, **Mr. Olsen** is not opposed to the current application and is willing to handle the applicant's storm water drainage.

An individual representing the partnership that is applying to subdivide the old K-Mart site asked that the Planning Commission review their plat prior to the next City Council meeting since their 1031 Property Tax Exchange is due on August 25, 2006. The Planning Commission agreed to schedule the meeting during the "Miscellaneous" agenda item.

Agenda Item #6: Public Hearing: Farmington City - Applicant is requesting a recommendation to the City Council regarding text changes to the Original Townsite Residential Zone (OTR) Chapter 17 of the Zoning Ordinance (ZT-7-06).

Consideration of the item will be tabled after public comments are received.

Agenda Item #7: Public Hearing: Fishburn Development and Land Consulting, Lane Fishburn - Applicant is requesting a recommendation to resolve dead-end street issues in order to develop the proposed "Farmington Manor Subdivision" consisting of 8 lots on 2.78 acres located at the east end of 1175 North Street in an LR zone (S-12-06).

David Petersen said the Public Works Department and City Engineer prefer a standard cul-de-sac rather than the proposed access. The street is non-conforming so it is handled by separate criteria than a conforming street.

Agenda Item #8: Public Hearing: Dana N. Kendrick - Applicant is requesting a recommendation to resolve dead-end street issues in order to develop townhouses on vacant property (1.5816 acres) located between 1340 South and 1420 South west of 200 East in an R-2 Zone (S-16-06).

The applicant requested that consideration of the item be tabled after public comments are received.

The meeting adjourned at 7:05 P.M.

PLANNING COMMISSION REGULAR SESSION

Present: Vice-Chairman Kevin Poff, Commission Members Andrew Hiller, Cory Ritz, Paul Barker, Rick Wyss, City Planner David Petersen, and Recording Secretary Jill Hedberg. Chairman Jim Talbot and John Bilton were excused.

Vice-Chairman Poff called the meeting to order at 7:00 P.M. **Cory Ritz** offered the invocation.

APPROVAL OF MINUTES

Andrew Hiller moved that the Planning Commission approve the minutes of the July 13, 2006, Planning Commission Meeting with changes as noted. **Paul Barker** seconded the motion. The Commission voted unanimously in favor. **Cory Ritz** abstained since he was not present at the July 13, 2006, meeting.

CITY COUNCIL REPORT

David Petersen reported the proceedings of the City Council meeting which was held on July 11, 2006. He covered the following items:

- The City Council followed the Planning Commission's recommendation and approved an Ordinance rezoning property at 633 North/Compton Road including abutting City storm water detention basin and nearby and adjacent public right-of-ways from OTR/LR, and B to BP as requested by Bob Amodt. The rezone will be effective until the site plan is approved.
- The City Council approved an Ordinance to amend 12-2-045 of City Subdivision

standards regarding the issuance of building permits for footings and foundations as requested by Garbett Homes. The Ordinance shall only apply to condominium developments.

- The City Council followed the Planning Commission's recommendation and reduced the sidewalk requirement for Mr. Welling's property to 4' back of curb.

PUBLIC HEARING: GREGORY AND NANCY VAN ZWEDEN - APPLICANT IS REQUESTING A RECOMMENDATION TO REZONE 3.16 ACRES LOCATED AT APPROXIMATELY 200 SOUTH 1525 WEST FROM A TO AE AND SCHEMATIC PLAN APPROVAL FOR A 3 LOT SUBDIVISION RELATED THERETO (Z-9-06) (Agenda Item #3)

Background Information

The applicant owns approximately 3 acres abutting the south side of the McOmber Subdivision. As part of the master plan process for the Farmington Ranches development, the Boyer Company was asked to stub a street to the adjacent McOmber property and the McOmbers were asked to extend the street to their southern boundary to provide opportunity for remaining owners of several deep lots to reasonably develop the interior of their property. Street patterns in a subdivision shall be in conformity with a master street plan for the most advantageous development of adjoining areas and the entire neighborhood or district. Section 12-7-040 I.3 (b) states, "Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts."

END OF PACKET MATERIAL

David Petersen displayed a Vicinity Map and reviewed the applicant's request. Apparently, the sewer district will allow the lateral to be connected to the existing manhole north of the property. The storm drainage issues will need to be considered during the schematic plan approval process.

Public Hearing

Vice-Chairman Poff opened the meeting to a public hearing and invited the applicant to address the Commission.

Nancy Van Zweden (456 South Glen Drive, Fruit Heights) said **Mr. Olsen** (the property owner to the south) is not opposed to handling a small amount of water run off.

Nate Van Zweden (697 East 150 South, Kaysville) said the Sewer District has

authorized them to connect the two western lots to the Bonanza Road sewer lateral. The lot that is located on 1525 West will be connected to the 1525 West sewer main.

Clark Olsen (182 South 1525 West) said he is in favor of the subdivision. He wants to verify that the sewer capacity is adequate in the event he develops his property in the future.

Public Hearing Closed

With no further comments, **Vice-Chairman Poff** closed the public hearing. The Commission members discussed the issues, including the following points:

Andrew Hiller said he is not opposed to the subdivision so long as all of the issues are resolved.

Cory Ritz said the sewer issues need to be addressed to the Sewer District's satisfaction. He suggested that an agreement pertaining to storm drainage be memorialized between the **Van Zwedens** and the **Olsens** prior to preliminary plat approval.

Motion

Cory Ritz moved that the Planning Commission recommend the City Council rezone the property AE as requested and recommend that the City Council approve the schematic plan subject to all applicable Farmington City development standards and ordinances and the following:

1. The Property must be rezoned from A to AE, ,thereby reducing the base size lot from 2 acre to 1 acre.
2. The applicant shall dedicate to the City and fully improve Bonanza Road the entire width of the existing parcel from north to south. Improvements shall include but not be limited to all underground utilities, asphalt the entire width of the road, curb, gutter and sidewalk on both sides of the street. Furthermore, similar improvements shall be required on the 1525 West Frontage or at minimum the applicant shall enter into an extension agreement with the City for the 1525 West improvements.
3. Final improvement drawings shall be reviewed and approved by the Farmington City Engineer, Public Works Department, Central Davis Sewer District, and Weber Basin Conservancy District.
4. A subdivision grading and drainage plan shall be approved by the Planning Department and the City Engineer. The adjoining property owners shall enter

into an agreement pertaining to the storm drainage issues.

5. The applicant shall provide an acceptable turn-around for emergency and maintenance vehicle access.

Andrew Hiller seconded the motion, which passed by unanimous vote.

Findings

- The subdivision is compatible with the area and will preserve the large lot sizes.
- The subdivision will allow access to the properties to the south which will allow the property owners to develop their properties.
- The subdivision is in accordance with the planning and zoning for the area

Motion

Cory Ritz moved that the Planning Commission consider Agenda Item #5 prior to considering Agenda Item #4. **Paul Barker** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: NIXON & NIXON INC., DAN NIXON - APPLICANT IS REQUESTING A RECOMMENDATION TO CONSIDER TEXT CHANGES TO THE ZONING ORDINANCE REGARDING CLASS A SELF STORAGE (ZT-3-06) (Agenda Item #5)

David Petersen reviewed the proposed text for Class “A” Self Storage. He said the standards were submitted by the applicant.

Kevin Poff asked whether self-storage would be allowed separate from a planned center development.

David Petersen reviewed Section 111-19-104 (Allowable Uses) of Chapter 19 - Commercial Mixed Use (CMU) Zone. He said although he has not received the legal opinion from the City Attorney, he believes the area can be reviewed without considering the Master Plan.

Kevin Poff said he noticed grammatical errors when reviewing the proposed text. He submitted the changes for City staff’s review.

Public Hearing

Vice-Chairman Poff opened the meeting to a public hearing and invited the applicant to address the Commission.

Dan Nixon (895 Wall Avenue, Ogden) passed out a hard copy of his slide presentation. He displayed renderings of the proposed storage facility which illustrates how the property will be viewed from Park Lane and from the intersection. The straight wall of the southern building was recessed to create a residential look and the roof lines were varied to make the structure more aesthetically pleasing. He does not plan to apply for the 20' variance. He will provide 20' of landscaping on the entire north side of the property. The southern and northern buffer zones will be contiguous with the commercial subdivision development. He requested approval to proceed and hopes the improvements will meet the approval of the community.

Steve Keer (General Contractor) (1902 East Shadow Valley Drive, Ogden) said the facade material will be hardy plank siding and architectural blocks.

Harv Jeppsen (1717 North Main) said the project should be inviting since the property is a “gateway” to the City. He would prefer considering a Master Plan for the entire area rather than considering smaller properties individually.

Public Hearing Closed

With no forthcoming comments, **Vice-Chairman Poff** closed the public hearing. The Commission members discussed the issues, including the following points:

In response to a question, **David Petersen** said the text was not reviewed by the City Attorney or compared to text from other cities.

Dan Nixon said Class “A” Self-Storage is a new concept so cities in the State of Utah will not have comparable text. Class “A” Self-Storage is generally considered a conditional use in the commercial zone, as was done in Bountiful.

[**Rick Wyss** arrived at 8:05 P.M.]

The Commission agreed the text should be reviewed by the City Attorney and that the text should be compared to that of other cities in the Nation.

Motion

Cory Ritz moved that the Planning Commission recommend the City Council approve the language for the Class “A” Self Storage section of Chapter 28 of the City Zoning Ordinance subject to the review and approval of the City Attorney. The Planning Commission directed City

staff to compare the text to that of other local/national cities. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: NIXON & NIXON, INC., DAN NIXON - APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A CLASS A SELF STORAGE FACILITY LOCATED AT 549 WEST BOURNE CIRCLE ADJACENT TO THE NORTH SIDE OF PARK LANE ON 3.011 ACRES IN A CMU ZONE (C-5-06) (Agenda Item #4)

Background Information

A complete review of the conditional use and site plan approval request should not commence until the City Council adopts standards for Class A Self Storage. However, the Planning Commission should hold a public hearing for the conditional use request for the following reasons:

1. An actual benchmark, the conditional use and site plan application, may be used to judge the merits of the proposed zone text change and vice versa.
2. Although posted in the newspaper, notices for zone text change are generally not sent to specific property owners. Therefore, valuable public input regarding the request may not be received by the City until after the standards are adopted.

END OF PACKET MATERIAL

David Petersen said City staff extended the mailing notice from 300' to 900'. He displayed a Vicinity Map and explained where the property is located. He also reviewed the applicant's request, as explained in the "Background Information". The CMU Ordinance includes the self-storage use but does not include standards. Agenda Item #4 will address these standards.

Public Hearing

Vice-Chairman Poff opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Vice-Chairman Poff** closed the public hearing. The Commission members discussed the issues, including the following points:

Paul Barker said although he is impressed by the renderings, he is still concerned about the proposed location since it is considered a "gateway" to the City.

David Petersen referred to Section 11-28-220 (2)(a). He suggested that the Planning Commission consider how primary and secondary sites should be defined.

Dan Nixon said the property is not an appropriate location for other commercial uses since it has poor access and limited visibility. The storage unit proposal will be an appropriate use for the property since it will be screened and will have minimal parking areas.

Cory Ritz said he is not in favor of a storage unit facility being located at the “gateway” to the City but recognizes that it may be difficult to find a more appropriate use due to the difficult access. He said the proposed zone text limits the amount of siding allowed.

David Petersen said the Planning Commission can not act on the request until the City Council adopts the storage unit standards. In the meantime, City staff can obtain an outside opinion as to whether the proposed site is an acceptable location for storage units.

Andrew Hiller said he would like to consider the opinion of an outside consulting company. He is pleased that the elevations have improved.

Rick Wyss questioned why the Planning Commission was considering the item since action can not be taken until after the City Council has taken action.

David Petersen said the item was included on the agenda in order to receive public comment. Even with the increased mailing notice, public comments were not received.

Kevin Poff asked how much time will lapse between Phase 1 and Phase 2. The time should be limited since Phase 2 provides the screening for the project.

Dan Nixon said the purpose of phasing the project is to allow the wetlands to be mitigated. He expects that the project will be constructed in one phase.

Kevin Poff suggested that the northern side of the facility be enhanced since there will be developments abutting it in the future.

Dan Nixon said when the property to the north is developed, there will be a 20' landscaping buffer which should decrease the visibility.

Motion

Paul Barker moved that the Planning Commission table this request until standards for

Class A Self Storage are adopted by the City Council. The Planning Commission directed City staff to determine the definition of primary and secondary commercial locations and to determine if Class “A” self storage is the best use for the property. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: FARMINGTON CITY: APPLICANT IS REQUESTING A RECOMMENDATION TO THE CITY COUNCIL REGARDING TEXT CHANGES TO THE ORIGINAL TOWNSITE RESIDENTIAL ZONE (OTR) CHAPTER 17 OF THE ZONING ORDINANCE (ZT-7-06) (Agenda Item #6)

Background Information

After consulting with some members of the Planning Commission and City management, it was recommended that this public hearing be held on August 10, 2006. This will provide the opportunity to announce the hearing in the City’s newsletter. However, due to long lead times required by State Law, the notice for this hearing was already posted in the Clipper.

END OF PACKET MATERIAL

David Petersen said although the OTR meetings were complete in June, the Planning Commission agreed to consider the text on August 10, 2006, to allow notices to be posted in the City newsletter.

Public Hearing

Vice-Chairman Poff opened the meeting to a public hearing.

Public Hearing Closed

With no forthcoming comments, **Vice-Chairman Poff** closed the public hearing.

Motion

Andrew Hiller moved that the Planning Commission continue the agenda item to the August 10, 2006, meeting. **Cory Ritz** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: FISHBURN DEVELOPMENT AND LAND CONSULTING, LANE FISHBURN - APPLICANT IS REQUESTING A RECOMMENDATION TO RESOLVE DEAD-END STREET ISSUES IN ORDER TO DEVELOP THE PROPOSED

**“FARMINGTON MANOR SUBDIVISION” CONSISTING OF 8 LOTS ON 2.78 ACRES
LOCATED AT THE EAST END OF 1175 NORTH STREET IN AN LR ZONE (S-12-06)
(Agenda Item #7)**

Background Information

The Planning Commission reviewed this agenda item on June 8, 2006. In an effort to provide a second point of access to the subdivision, the developer suggested a temporary access easement connecting 1175 North Street to Shepard Lane. Thereafter, the Planning Commission voted to table action to allow time for three issues to be addressed.

1. *The Fire Chief, Public Works Department and City Engineer review and provide a recommendation regarding the temporary dirt road access proposal.*

According to one of the property owners, the partially paved secondary access to the subdivision is acceptable to the Fire Chief, Larry Gregory.

As a group, Ray White of the Public Works Department, Paul Hirst, the City Engineer, Max Forbush, the City Manager, and David Petersen, reviewed the proposal on Friday, July 21, 2006. They discussed such issues as pavement vs. non-pavement and long term maintenance. They also wondered how will property owners prevent the general public from using the easement for more than just emergency access. Likewise, is it practical to expect that a property owner will not unintentionally block the access (i.e. park an R.V. or utility trailer in the way) thus rendering the temporary easement ineffective? How long will the temporary access last before 700 West is no longer a dead-end street? Seven or ten years?

The Public Works Department, City Engineer, and City Manager recommend that it is better to allow the developer to extend 1175 North Street and provide a proper turn-around within the SUBDIVISION then to pursue the temporary access easement. However, approving an exception to allow this to happen may violate Section 12-7-040(4)(c)(iii) of the Subdivision Ordinance because the topography or other physical conditions of the development site do not make it “impossible” to extend 700 West as a through street.

2. *The Developer meet with the City Engineer to discuss concerns of the steep slope and sharp corners to determine if this request is reasonable.*

Apparently, the Developer has not met with the City Engineer. At this point it is not recommended that he do so, because the City Engineer believes other alternatives are better than the proposed temporary access.

3. *This alternate route must be further discussed.*

The purpose of this meeting is to further discuss the issues so that perhaps the Planning Commission can make a decision.

END OF PACKET MATERIAL

Background Information (from the June 8, 2006, Staff Report)

The property owner submitted an application for the Moon Farms Subdivision, which consisted of a single cul-de-sac, on June 6, 1996. Full development of the proposed cul-de-sac was not possible. The Commission determined that it violated the City's 1000 foot dead-end street ordinance because the only independent point of access for this subdivision was located on Shepard Lane. Therefore, they only granted preliminary plat approval for the first phase on June 13, 1996. The ordinance has not changed and the street patterns in the area and access to the subdivision remain the same. Nevertheless, a developer is now requesting an exception to the dead-end street standard. Section 12-7-040(4)(c)(iii) of the Subdivision Ordinance states:

Exceptions to the requirement for a second point of independent access may be granted by the City Council, after receiving a recommendation from the Planning Commission, upon a finding that the topography or other physical conditions of the development site make it impossible to provide a second access which complies with street design standards established by the City and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services.

Does the new plan, which is the same as the old plan, meet these standards? A previous Planning Commission and City Council determined that it did not. But this time the property owner suggests that development on Hess property south of the site is imminent and can the Commission provide a different recommendation due to the reason that this circumstance did not exist in 1996?

The Planning Commission later granted preliminary plat approval, October 10, 1996, for the second phase of the project after the property owner abandoned the cul-de-sac plan and showed a street stubbing to the southeast corner of the project. However, the final plat was never approved because the 1,000 foot dead-end street limitation was in place. The preliminary plat for the second phase eventually expired.

If the aforementioned issues are resolved to the satisfaction of the City, the Planning Department is recommending that the Commission not consider schematic plan approval until comments are received from all appropriate public and private entities, and a subdivision yield plan is prepared pursuant to Chapter 12 of Title 11 for review and approval by the City staff (or a request for waiver of open space requirements is concurrently approved by the City).

END OF PACKET MATERIAL

David Petersen reviewed the “Background Information”. There was a proposal submitted in 1996 to extend 1175 West. At that time, the Planning Commission did not allow for the full extension of the street since it would extend past the 1000' dead-end street requirement. He explained where the temporary easement will be located. According to the property owner, the Fire Chief is accepting of the temporary access. **Ray White** of the Public Works Department, and **Paul Hirst**, City Engineer, are concerned about the proposal and agreed it would be better to extend the street to include a proper turn around. He read Section 12-7-040(4)(c)(iii) of the Subdivision Ordinance. The text does not state that the road has to be dedicated so it is a policy decision that should be made by the Planning Commission.

Public Hearing

Vice-Chairman Poff opened the meeting to a public hearing and invited the applicant to address the Commission.

Lane Fishburn (799 West Millshadow Drive, Kaysville) said a fence could be erected and a sign could be posted stating that the roadway should not be blocked. He referred to paragraph 4 and said the definition of a secondary access has not been “carved in stone”. Temporary accesses have been allowed in other areas in the City. The road is already 75% paved so he is not opposed to supplying road base or hard surface for the remaining area.

Mr. Fishburn said Walt Hokansen, the Public Works Director, approved the plan. **Mr. Petersen** also indicated that he is accepting of the access so long as it is approved by the Fire Chief. The Fire Chief approved the plan but expressed concerns regarding the surface of the road. **Mr. Fishburn** said he is willing to provide asphalt. He said the difference between the current application and the 1996 application is the proposed secondary access. The property owners in the area are actively pursuing buyers so there will eventually be a permanent access.

Tom Schmucker (657 West 1175 North) questioned how long the temporary road will be allowed. He asked if the Fire Chief has discussed the issue with the City Engineer.

David Petersen said the Fire Chief did not discuss the issue with the City Engineer.

Tom Schmucker said it may be difficult for the emergency vehicles to maneuver on the temporary roads. He asked how the egress will occur if there is a locked gate blocking the road.

David Petersen said a “crash gate” could be used in an emergency situation. A key or bolt cutter could be used for public access, if necessary. He said the Planning Commission needs to make the policy decision as to whether the temporary access is sufficient.

Tom Schmucker said the property owners in the area have assumed the road would be developed as a cul-de-sac. He does not think a temporary access is acceptable. He questioned where else in the City temporary accesses have been allowed.

David Petersen said temporary access has been allowed in the following developments: Farmington Greens, Rose Cove, and Hidden Meadows. It was also considered for Hughes Estates, Tuscany Cove and the Griffin Subdivisions but was never implemented.

Tom Schmucker asked that the road be substantial enough to accommodate heavy emergency vehicles if the Planning Commission allows the temporary access.

Les Roberts (1199 North Main) said his property will have the largest single impact from the proposal. If the access road is allowed, he requests that he be deeded access to the road. He believes a better solution can be found.

David Petersen said he met with **Dr. Guymon** and his counsel, **George Fadel**. **Dr. Guymon** asked him to address the Planning Commission on his behalf, requesting that if an exception is recommended, 1175 North should be extended to stub to the Guyman property.

Richard Love (1188 North 700 West) said the road will only be used for emergency situations. The Fire Chief suggested a combination box be attached to the gate so the residents in the subdivision can access the gate, if necessary. Most of the property owners in the area prefer a cul-de-sac rather than a through street.

Lane Fishburn said **Clayne White** is not requiring the gate to be blocked. It is intended to be a functioning through path.

Sue Tuttle (671 West 1175 North) said the turning radius should accommodate large delivery trucks, as well as emergency vehicles. She is not opposed to the proposal, so long as the access is temporary. She requested that the road be improved as a cul-de-sac.

Lane Fishburn said the proposed cul-de-sac will be configured like the existing cul-de-sac.

Mark Bodale (668 West 1175 North) said he would like the road configured as a cul-de-sac. He does not want the temporary access to become a through road if it remains unlocked.

Jolene Wiseman (622 West 1175 North) asked who will be responsible to maintain the road.

Lane Fishburn said the easement will be owned by Lot 1 so that property owner will be responsible for the maintenance. The easement and maintenance responsibility will be recorded on the plat.

Jolene Wiseman asked that the road be developed as a cul-de-sac.

Public Hearing Closed

With no further comments, **Vice-Chairman Poff** closed the public hearing. The Commission members discussed the issues, including the following points:

In response to a question from **Paul Barker**, **Lane Fishburn** said the road material will meet the requirements of the Fire Chief and City staff. He is willing to provide asphalt or two coats of slurry seal. The snow removal can be independently contracted for a term acceptable to City staff.

Kevin Poff asked if Lot 1 is large enough to accommodate a dwelling.

Lane Fishburn said the easements are temporary until 700 West is improved.

David Petersen said the temporary access needs to be 20' wide. He passed out a copy of applicable portions of the Subdivision Ordinance (Section 12-7-040 (4) (c) and (d) and read several paragraphs and proposed an alternative for Planning Commission different than what was written in the staff report. The distance from Shepard Lane to 700 West street is 1,096'. 700 West did exist prior to January 9, 1991 and it fits the definition of a non-conforming street even though it was not listed in the Ordinance. If the street is considered non-conforming, the Planning Commission could consider the cul-de-sac an extension of the street. There is not a street master planned for the area so it would be the responsibility of the developer to determine the best use for the area. He said **Dr. Guymon's** input should be considered when determining the configuration of the street. Both versions of the preliminary plats were approved in the 1990's but have since expired.

Rick Wyss questioned whether the perpendicular road could be considered an extension.

David Petersen said the road could be considered an extension. The City Engineer, Fire Chief and Public Works Department would prefer that the road have a proper turn around.

Roy Love said the road will be configured to follow the existing sewer line which currently flows downward and then back to the pump. If the road is connected to **Dr. Guymon's** property, the sewer depth may be lost.

[**Rick Wyss** was excused at 8:25 P.M.]

David Petersen questioned whether the Planning Commission is willing to consider the cul-de-sac an extension of the road.

The Planning Commissioners discussed the proposal and were in favor of classifying the road as a non-conforming dead-end street and extending the non-conforming road to a cul-de-sac as proposed by the applicant. The Planning Commission acknowledged **Dr. Guymon's** concerns but felt there are other options to provide access to the adjacent properties. They felt the temporary access was not a good idea.

David Petersen said there is a stream channel in the area. A cul-de-sac would also preserve the natural spring.

Motion

Cory Ritz moved that the Planning Commission recommend an extension of a non-conforming street and recommend the schematic plan as proposed on June 8, 2006, to include a cul-de-sac. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

Findings

- The flow channel for the stream will be protected.
- The cul-de-sac is part of the original proposal and will limit the non-conforming issue.
- There are numerous options to access adjacent properties in the future.
- The street extension will negate the need for temporary access.

Motion

Cory Ritz moved that the Planning Commission recess for five minutes. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

PUBLIC HEARING: DANA N. KENDRICK - APPLICANT IS REQUESTING A RECOMMENDATION TO RESOLVE DEAD-END STREET ISSUES IN ORDER TO DEVELOP TOWNHOUSES ON VACANT PROPERTY (1.5816 ACRES) LOCATED BETWEEN 1340 SOUTH AND 1420 SOUTH WEST OF 200 EAST IN AN R-2 ZONE (S-16-06) (Agenda Item #8)

Background Information

The applicant desires to develop four owner-occupied two-family dwellings on the subject property, which is zoned R-2. Two-family dwellings are a permitted use in the R-2 zone and the minimum lot size is 10,000 square feet. One receives access to the otherwise landlocked property from 1420 South Street and 150 East Street. Together, these dead-end streets are less than 1,000 feet in length. However, “Dead-end streets shall serve as access for not more than twenty-four (24) residential lots” without a second point of independent access (Section 12-7-040(4)(c)(i)). Presently, 18 residential lots receive access from 1420 South east of 35 East Street.

Therefore, it may be possible to develop six residential lots on the property, but does this mean that one may develop 4 duplexes, or 8 renter occupied dwelling units, on four lots thereby providing only 22 residential lots and not exceeding the 24 lot limit? In discussions with the applicant on May 11, 2006, many of the Planning Commissioners felt that considering 8 renter occupied dwelling units on four lots violated the spirit, or intent of the ordinance, and were amenable to further reviewing an 8 dwelling unit (4 twin home) owner-occupied proposal. However, such proposal will exceed the 24 lot limit by 2 lots because each dwelling unit constitutes one residential lot. Nevertheless, the ordinance provides an exception:

Exceptions to the requirement for a second point of independent access may be granted by the City Council, after receiving a recommendation from the Planning Commission, upon a finding that the topography or other physical conditions of the development site make it impossible to provide a second access which complies with street design standards established by the City and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services (Section 12-7-040(4)(c)(iii)).

END OF PACKET MATERIAL

David Petersen displayed a Vicinity Map and reviewed the “Background Information”. The Ordinance refers to residential “lots”, not residential “units”. The applicant would like the units to be owner-occupied which would create 26 residential lots. He reviewed the “Background Information”. As requested by **Cory Ritz**, he read the definition for a “residential lot”. The lots are approximately 14,000 square feet.

Mr. Petersen suggested that at the request of the applicant that the issue be tabled to allow the applicant to be present. It would also allow the mailing notices to be resent since he was uncertain, due to the low public turn-out, as to whether the surrounding property owners received their notices.

Kirk Barclay (1373 South 73 East) said he did not receive the mailing notice. He felt

there would be more property owners in attendance if they had received the notice.

Public Hearing

Vice-Chairman Poff opened the meeting to a public hearing.

Kirk Barclay said he is pleased there is a proposal to develop the property. He has complained to the City several times regarding the unkept field of grass that could create a fire hazard. He is concerned about the proposed use for the property since there are many twin homes in the area which have become rental properties.

David Petersen said the applicant plans to develop a higher end gated community and to create a home owner's association which will include a landscaping and maintenance plan. The land will be held in common. In response to a question, he said it is possible for the units to be rented.

Kirk Barclay said he is more accepting of the proposal if the property is gated but he is concerned about the access to the property.

Public Hearing Closed

With no further comments, **Vice-Chairman Poff** closed the public hearing.

Cory Ritz said until all the issues are resolved, the Planning Commission should not take action regardless of whether the dwellings are single family or multi-family.

Motion

Cory Ritz moved that the Planning Commission table consideration of the issue and direct City staff to re-notice the surrounding property owners. **Andrew Hiller** seconded the motion, which passed by unanimous vote.

The Planning Commission recommended that the definition of "residential lot" be amended.

MISCELLANEOUS

Gary Leatham Boundary Line Adjustment Request

David Petersen explained that **Mr. Leatham's** footings were poured 8" closer to the boundary line than allowed. The adjacent property owner sold him 8" of his property, which has

since been recorded. He asked that the Planning Commission recommend approval of the boundary adjustment.

Motion

Andrew Hiller moved that the Planning Commission recommend approval of the lot boundary adjustment. **Paul Barker** seconded the motion, which passed by unanimous vote.

Findings

- The adjacent property owner is accepting of the adjustment.
- The adjustment will allow the property to be in compliance with the code.

The Planning Commission agreed to consider the old K-Mart property subdivision proposal, if necessary, with the City Council at the Relay for Life walk on August 4, 2006.

ADJOURNMENT

Andrew Hiller moved that the Planning Commission adjourn at 10:15 P.M..

Kevin Poff, Vice-Chairman
Farmington City Planning Commission